

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SEVENTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

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WRIT PETITION NO: 7714 of 2005

Between:

P.Prem Sai Babu S/o.Mohan Raju
R/o.Chinnagadili Village Chinnagadili Mandal
Visakhapatnam district.

... PETITIONER

AND

- 1 District Collector
Visakhapatnam District, Visakhapatnam
- 2 Mandal Revenue Officer
Chinnagadili Mandal Chinnagadili , Visakhapatnam.
- 3 Dy.Director Govt Diary Farm
Near Hanumanthavaka, Visakhapatnam.
- 4 General Manager
Visakha Animal Husbandary Society Near Hanumanthavaka
Visakhapatnam.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, or order or direction more particularly in the nature of writ of mandamus declaring the inaction of the part of the authorities in identifying the lands in Survey No.17/7(Old Survey No.13) and Sy No.29 admeasuring Ac.4.36 cents of Chinnagadili Village, Chinnagadili Mandal, Visakhapatnam District as Unconstitutional and consequently direct the respondents to take steps to conduct survey, identify the boundaries of lands admeasuring Ac.4.36 cents in Survey No.17/7 (Old Survey No.13) Sy.No.29 admeasuring Ac.4.36 cents in Chinnagadili Village, Chinnagadili Mandal, Visakhapatnam district.

Counsel for the Petitioner:MR.K.S.MURTHY

Counsel for the Respondents: GP FOR REVENUE

The Court, at the stage of admission, made the following:

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ORDER:

This writ petition is filed aggrieved by the alleged inaction on the part of the respondents in demarcating the lands in S.No.17/7-C (old S.No.13) and S.No.29 admeasuring Ac.4.36 cents of Chinnagadili village, Chinnagadili Mandal, Visakhapatnam District.

Petitioner claims that he is the owner of the said lands. It is stated that some of the lands in the area were acquired long back for setting up a Diary Farm and since the land belonging to the petitioner's family is surrounding the Diary Farm and since there was no fencing around, they are facing difficulty to identify the land. In the circumstances, he made number of applications to the respondents requesting for demarcation of the said lands, but the respondents failed to take any steps. Hence this writ petition.

I have heard learned counsel for the petitioner and the learned Government Pleader for Revenue appearing for the respondents.

Learned counsel for the petitioner relied upon a decision of this Court in W.P.No.19496 of 2002, which was filed by one of the family members of the petitioner relating to the adjacent land in the same village with an identical prayer. The said writ petition was disposed of by this Court observing that the A.P.Survey and Boundaries Act and Rules (for short 'the Act and Rules') made thereunder stipulate procedure for undertaking survey by the concerned authorities under which an application is needed to be filed in the prescribed form together with the requisite

fee. Accordingly the said writ petition was disposed of permitting the petitioner therein to make an appropriate application in the prescribed form together with requisite fee and with a direction to the Mandal Revenue Officer to cause the survey of the land in accordance with the procedure prescribed by the Act and the Rules.

Learned Government Pleader appearing for the respondents though does not dispute the request of the petitioner to dispose of the writ petition in terms of the decision in W.P.No.19496 of 2002, points out that the application said to have been filed by the petitioner on 09.02.2001 is not in the prescribed form and the survey numbers have also been wrongly described.

In the circumstances, the writ petition is disposed of granting liberty to the petitioner to make a fresh application in the prescribed form together with the requisite fee for conducting survey of his lands. If any such application is made, the second respondent is directed to cause the survey of the lands in accordance with the procedure prescribed under the Act and Rules made thereunder and complete the same within a period of three months from the date of receipt of such application from the petitioner.

The writ petition is accordingly disposed of. No costs.

07.04.2005

Note: Furnish C.C.by 12.04.2005.

(B/O)

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To

- 1 The District Collector
Visakhapatnam District, Visakhapatnam
 - 2 The Mandal Revenue Officer
Chinnagadili Mandal Chinnagadili , Visakhapatnam.
 - 3 The Dy.Director Govt Diary Farm
Near Hanumanthavaka, Visakhapatnam.
 - 4 The General Manager
Visakha Animal Husbandary Society Near Hanumanthavaka
Visakhapatnam.
- 5 2 CCs to G.P for Revenue, High Court of A.P.,Hyd. (OUT)
- 6 2 CD copies.